

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
LAREDO DIVISION**

**ISMAEL ESCAMILLA, JR.**  
*Plaintiff*

**V.**

**JOHN DOE AND AUTO LINEAS  
AMERICA, S.A. DE C.V.**  
*Defendants*

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**CIVIL ACTION NO. \_\_\_\_\_**

**DEFENDANT AUTO LINEAS AMERICA, S.A. DE C.V.'S NOTICE OF REMOVAL**

Defendant files this notice of removal under 28 U.S.C. §1446(a).

**A. INTRODUCTION**

1. Plaintiff is Ismael Escamilla, Jr.; Defendants are Auto Lineas America, S.A. DE C.V. and John Doe.

2. On August 30, 2021 Plaintiff sued Defendants Auto Lineas America, S.A. DE C.V. and John Doe in the 49<sup>th</sup> Judicial District Court, Webb County, Texas, alleging that on May 22, 2021, Defendant John Doe improperly parked his vehicle on a traffic lane, without any use of any emergency equipment. Plaintiff further alleges that as a result, Plaintiff's vehicle collided with Defendant John Doe's vehicle. Plaintiff further alleges that Defendant Auto Lineas America, S.A. DE C.V. owned the vehicle driven by John Doe.

3. Defendant Auto Lineas America, S.A. DE C.V. was served with suit and citation on December 2, 2021. Defendant files this notice of removal within the 30-day time period required by 28 U.S.C. §1446(b). *Bd. Of Regents of Univ. of Tex. Sys. V. Nippon Tel. & Tel. Corp.*, 478 F. 3d 274, 278 (5<sup>th</sup> Cir. 2007).

## **B. BASIS FOR REMOVAL**

4. Removal is proper because there is complete diversity between the parties. 28 U.S.C. §1332(a); *Johnson v. Columbia Props. Anchorage, L.P.*, 437 F.3d 894, 899-900 (9<sup>th</sup> Cir. 2006). Plaintiff is a citizen of Texas. Defendant Auto Lineas America, S.A. DE C.V. is a foreign company operating in Mexico.

5. Defendant Auto Lineas America, S.A. DE C.V. consents to the removal of this case to federal court. 28 U.S.C. §1446(b)(2)(A); *Cook v. Randolph Cnty.*, 573 F.3d 1143, 1150-51 (11<sup>th</sup> Cir. 2009); *Pritchett V. Cottrell, Inc.*, 512 F.3d 1057, 1062 (8<sup>th</sup> Cir. 2008); *Harper v. AutoAlliance Int'l, Inc.*, 392 F.3d 195, 201-02 (6<sup>th</sup> Cir. 2004).

6. Copies of all pleadings, process, orders, and other filings in the State-Court suit are attached to this notice as required by 28 U.S.C. §1446(a) as Exhibit "A".

7. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the suit has been pending is located in this district.

8. Defendant Auto Lineas America S.A. DE C.V. will promptly file a copy of this notice of removal with the clerk of the state court where the suit has been pending.

## **C. INTRODUCTION**

9. Plaintiff did not demand a jury in the state court suit.

## **D. CONCLUSION**

10. In accordance with the above and having satisfied all the requirements pursuant to 28 U.S.C. §1332 and 28 U.S.C. §1441, Defendant Auto Lineas America, S.A. DE C.V. prays that this Court enter such further orders and grant such further relief as may be necessary to secure removal herein and prevent further proceedings in the 49<sup>th</sup> Judicial District Court of Webb County, Texas. Defendant Auto Lineas America, S.A. DE C.V. further prays for such other relief as they may be

justly entitled to receive.

Respectfully submitted,

**CHAVES, OBREGON & PERALES, L.L.P.**

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By: /s/ Douglas E. Chaves

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**ATTORNEYS FOR DEFENDANT**

**AUTO LINEAS AMERICA, S.A. DE C.V.**

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing instrument has been served upon all counsel of record to this proceeding by the manner indicated below, on this 22<sup>nd</sup> day of December 2021.

/s/ Douglas E. Chaves  
DOUGLAS E. CHAVES

**Via e-serve**

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**ATTORNEY FOR PLAINTIFF**  
**ISMAEL ESCAMILLA, JR**

**NOTICE OF ELECTRONIC FILING**

I HEREBY CERTIFY that I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States District Court for the Southern District of Texas on the 22<sup>nd</sup> day of December, 2021.

/s/ Douglas E. Chaves  
Attorney- In Charge